

REMARKS

The Office Action dated May 10, 2002 has been carefully reviewed and the following comments made in response. Applicants respectfully request that the methods of screening for therapeutic substances of claims 1-6, Group I, be examined with the elected protein isolation and purification methods of Group II. In International Application PCT/FR98/00063, of which the instant application is the U.S. national phase under 35 U.S.C. 371, no lack of unity of invention was held, and the claims were examined together as one group.

The isolation and purification methods of claims 7-13 (Group II) depend from claim 1, and the screening method for agents effective in treating transmissible subacute spongiform encephalopathy (TSSE) recited in claim 1 is inclusive of the isolation and purification steps recited in claims 7-13 in order to determine the levels of TSSE-producing agent in treated and untreated samples. As stated in Annex B of the PCT Administrative Rules, unity of invention has to be considered only in relation to the independent claims in an international application and not to the dependent claims. MPEP 1893.03(d) notes that PCT unity of invention practice (PCT Rule 13) is applicable in national stage applications filed under 35 U.S.C. 371.

Further, the two groups of claims are linked by their recitation of a common technical feature, namely, the isolation step of PrPres, step d) in claim 1 and step ii) in claims 7 and 8. This isolation step is a reliable, sensitive one-step separation method which distinguishes the claimed methods from those known in the art. This feature makes it possible, in one separation step, to provide an assay with a sensitivity of at least about 2, when the sensitivity is expressed as the ratio of minimum detectable level in the spleen sample vs. detection threshold. That is, when the test sample is diluted 1 to 2, a detection signal is still obtained. This special technical feature is not taught by the art listed on the International Search Report.

In view of the these remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.



CONCLUSIONS

Except for issues payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
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